

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 15, 2002
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Joe Lang, First Assistant City Attorney; Pat Burnett, City Clerk; present.

Kathy Miller, Trees for Life, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the regular meeting of January 8, 2002, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS Proclamations previously approved were presented.

PUBLIC AGENDA

Marvin Reese, President, S. Hayes, Inc. – Inner City Economic Development.

Marvin Reese S. Hayes, Inc., a non-profit economic group in Tulsa, Oklahoma, has developed an economic program to help reduce the trade deficit of the United States. The same program could be used to assist the economic revitalization of the inner city.

The trade deficit and current account negative balance is the long-term reason why the economy has stopped growing. Each year, the economy will pay out \$435 billion (or more) before the GDP can start to increase.

Mayor Knight Mayor Knight referred the Item to Staff for evaluation.

UNFINISHED BUSINESS

WATER TAP FEE **WATER TAP FEE ADJUSTMENT.**
(Deferred from December 18, 2001)

David Warren Water and Sewer Director reviewed the Item.

Agenda Report No. 01-1434A

On December 18, 2001, the City Council approved an increase in water rates of 4% effective January 2002. One of the approved recommendations to minimize rate increases was to evaluate water tap fees, and to increase the tap fee if revenue generated was not sufficient to cover the cost of making the tap.

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In 2001, approximately \$630,000 was received for tap fees for services 1-inch and smaller. The actual cost to install/construct the taps was approximately \$1.26 million, not including vehicle replacement, administrative costs, or overhead. Staff estimates it will cost approximately \$850 in 2002 to install/construct a water tap, including administrative costs, overhead, and the payment of the City in-lieu-of tax. This includes installation of electronic registers that will allow meters to be read electronically. The current tap fee is \$330, a difference of \$520.

When the demand for new taps exceeds capacity to respond in a timely manner, a private contractor must be hired at an average of \$550 per tap, not including the meter, etc. Water & Sewer cost has been compared with the price charged by the private contractor to seek ways to reduce costs by improving efficiency. It was found that City costs were 12-17% less than those charged by a contractor.

Staff recommends phasing in the revised tap fees over a three-year period. Fees for a 1-inch water tap would increase from \$330 to \$500 in 2002, to \$675 in 2003, and to \$850 in 2004. Assuming 2000 new taps per year, these rates would provide approximately an additional \$340,000 the first year, \$690,000 the second year, and \$1 million per year thereafter.

Increasing the tap fee incrementally over a period of three years will reduce the need for rate increases by 1% in 2002; 2.3% in 2003; and 3.4% in 2004. Additionally, actual costs will be recovered. This was taken into account in the rate recommendation.

Tap fees are set administratively by the Water & Sewer Department.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Wes Galyon

Wes Galyon, Wichita Home Builders' Association, spoke in support of the recommended adjustments and phase-in.

Motion -- carried

Knight moved that the administrative action to increase tap fees be affirmed. Motion carried 7 to 0.

NEW BUSINESS

BRIDGE

FLOODWAY BRIDGE CROSSING. (Districts V and VI)

Council Member Fearey

Council Member Fearey said the DAB VI Bridge Task Force would be put on a "fast track" to complete the Study.

Motion -- carried

Fearey moved that this Item be deferred to no later than March 19, 2002. Motion carried 7 to 0.

EXCEL TAX EXEMPT

PUBLIC HEARING AND TAX EXEMPTION REQUEST – EXCEL CORPORATION. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-0041

Excel Manufacturing, Inc., located at 3258 South Hoover Road in southwest Wichita, was locally formed in 1971. Since inception, Excel Manufacturing, Inc., has sustained consistent growth in manufacturing parts for the aerospace industry. Excel Manufacturing, Inc. recently expanded its manufacturing capacity through construction of a building addition and acquisition of new machinery and equipment. Based on a letter of intent, Excel Manufacturing, Inc. is now requesting approval of an Economic Development Tax Exemption on the building addition and manufacturing equipment in conjunction with the expansion project.

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Excel Manufacturing, Inc., is a manufacturer of high quality machining, fabricated components and assemblies for aerospace and commercial industries. Excel specializes in 3, 4, and 5 axis machining of complex parts. Their high-speed machining centers have capabilities of up to 25,000 rpm of spindle speed. Excel is well known for its machining of detail parts such as bulkheads, wing ribs, floor sections and large monolithic parts. In 1985, Excel began an aggressive move into the development of advanced metal cutting capability, utilizing features such as measuring probes and palletized machining. Excel is a leader of aircraft components and parts with thin walls and cross sections. Typically, these monolithic parts are made from one piece rather than the conventional metal assemblies. Excel also has sheet metal and assembly capabilities that should enhance their presence in the aerospace market. Excel exports its work out of the State of Kansas via customers such as Boeing, Cessna, Raytheon, Bombardier, Lucas Aerospace and BancTec.

Excel currently employs 75 persons and plans to add at least 19 new jobs over the next five years in expanding its operations by constructing a 38,250 s.f. building addition, and the purchase of additional machinery equipment.

Under the City's Business Incentives Policy, Excel is eligible for the following:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
34.0%	New Job Creation:	Excel will create at least 19 new jobs.
36.0%	Capital Improvements:	Excel will invest at least \$4,285,932.
70.0%	Sub Total Business - Incentive Eligibility (Maximum allowed is 50%)	
50.0%	Export Premium:	Excel exports 100% of its product outside Kansas.
50.0%	Sub Total – Export Premium (Maximum allowed is 50%)	
00.0%	Location Premium:	Excel is not located in the central redevelopment area. (additional 20% allowed)
100.0% TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY		

Under the City's Business Incentives Policy, Excel Manufacturing, Inc., is eligible for a 100% tax exemption for a five-year term on new real and personal property, and a 50% exemption on real property only for a second five-year term, subject to Council review. A notice of public hearing has been published. Excel has agreed to comply with the conditions set forth in the 1999 revised Business Incentive Policy.

The estimated first year taxes on the proposed \$4,285,932 expansion would be \$21,592 on real property improvements, and \$88,722 on personal property, based on the 2002 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$110,614 of new taxes from the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$29,803; County/State - \$28,502; and USD 261 - \$52,009.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	4.21 to one
Sedgwick County	4.17 to one
USD 261	3.41 to one
State of Kansas	4.82 to one

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Martz moved that the public hearing be closed; and the Ordinance, granting a 100% tax exemption on the identified real and personal property improvements for a five year term, with a 50% exemption on the real property only, for a second five-year term, subject to City Council review, be placed on first reading. Motion carried 7 to 0.

-- carried

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ORDINANCE

An Ordinance exempting property from Ad Valorem Taxation for economic development purposes pursuant to Article II, section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Excel Manufacturing, Inc., so exempted, introduced and under the rules laid over.

ECK & ECK

PUBLIC HEARING AND TAX EXEMPTION REQUEST – ECK AND ECK MACHINE CO., INC. (District IV)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-0042.

On February 3, 1998, City Council approved a five-plus-five year 92.39% Economic Development Tax Exemption to Eck & Eck Machine Co., Inc. for an expansion project that resulted in the construction of a building addition and additional new equipment. Located at 4606 West Harry in southwest Wichita, Eck & Eck Machine Co. was locally formed in 1966. Since inception, Eck & Eck Machine Co., Inc. has sustained consistent growth in manufacturing parts for the aerospace industry. Eck & Eck has expanded its manufacturing capacity to include acquisition of new manufacturing equipment in the amount of \$644,903. Eck & Eck is now requesting approval of an Economic Development Tax Exemption on the newly acquired equipment in conjunction with the expansion project.

Eck & Eck is a manufacturer of detail parts, assemblies and sub-assemblies primarily for the aerospace industry. This includes such parts as landing gear cylinders, landing gear assemblies, and pistons; nose gear cylinders and pistons, main gear cylinders and pistons, axles, fittings and spars which go on any part of the aircraft, and a multitude of other parts and assemblies. Eck & Eck does precision machining on CNC machining centers, and turning centers on metals such as steel, stainless steel, aluminum, and brass among other types of metals. Eck & Eck is known for doing close tolerance precision machining and supplying high quality parts. Eck & Eck's customers include Boeing Airplane Company, Commercial and Military Divisions; Raytheon Aircraft Company, Bombardier Aerospace Learjet and Cessna Aircraft Company. Eck & Eck exports 100% of its business out of the State of Kansas via Boeing, Raytheon, Bombardier and Cessna.

Eck & Eck currently employs 23 persons and plans to add at least 2 new jobs over the next five years in expanding its operations by the acquisition of additional machinery equipment.

Under the City's Business Incentives Policy, Eck & Eck is eligible for the following:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
6.0%	New Job Creation:	Eck & Eck will create at least 2 new jobs.
11.0%	Capital Improvements:	Eck & Eck will invest at least \$644,903.
17.0%	Sub Total Business - Incentive Eligibility (Maximum allowed is 50%)	
50.0%	Export Premium:	Eck & Eck exports 100% of its product outside Kansas.
50.0%	Sub Total – Export Premium (Maximum allowed is 50%)	
00.0%	Location Premium:	Eck & Eck is not located in the central redevelopment area. (additional 20% allowed)
67.0%	TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY	

Under the City's Business Incentives Policy, Eck & Eck Machine Co., Inc. is eligible for a 67% tax exemption for a five-year term on the identified personal property. A notice of public hearing has been published. Eck & Eck has agreed to comply with the conditions set forth in the 1999 revised Business Incentive Policy.

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The estimated first year taxes on the proposed \$644,903 expansion would be \$10,784 on personal property, based on the 2002 mill levy. Using the allowable tax exemption of 67 percent, the City would be exempting (for the first year) \$10,784 of new taxes from the personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$2,914; County/State - \$2,786; and USD 259 - \$5,084.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	2.80 to one
Sedgwick County	2.33 to one
USD 259	2.02 to one
State of Kansas	9.27 to one

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Gale moved that the public hearing be closed; and the Ordinance granting a 67% tax exemption on the identified personal property improvements for a five year term. be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance exempting property from Ad Valorem Taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Eck & Eck Machine Co., Inc., so exempted, introduced and under the rules laid over.

BUILDING CODE

AMENDMENTS TO CITY CODE TITLE 18 ADOPTING THE 2000 INTERNATIONAL BUILDING CODE WITH PROPOSED LOCAL MODIFICATIONS.

Kurt Schroeder Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 02-0043

The City's current Building Code is a model building code called the Uniform Building Code (UBC), 1997 Edition, and is codified in Title 18 of the City Code. Until the year 2000, the UBC was one of three different model building codes available nationwide.

In this country, nearly all jurisdictions with a building code have used one of the three national model building codes as the basis for their local building code. Each of the three national model building code groups has always published, revised and updated model codes on three-year cycles, and over the past 35-plus years, Wichita has generally reviewed, locally amended, and adopted the updated national Uniform Building Code on the three-year national update cycle. This has helped assure that Wichita is using the most current codes, as well as the most current tested and certified installation practices, materials and products.

However, in the current 3-year cycle (year 2000 publication), the three national model building code groups have joined to publish a single, unified model building code called the International Building Code (IBC) and International Residential Code (IRC). The three national model building code groups started working on a single, unified model building code in late 1994.

Generally, the idea of a single, national model building code has been supported and endorsed by most national design, building, building owner, housing construction and other building construction groups, primarily because it will provide consistency and greater efficiency in design and construction throughout the United States. Wichita's own local Wichita Area Builders Association, local commercial building contractor groups, building owner/management groups and local chapter of the American Institute of Architects have also been supportive of this new single family of model codes, which includes the IBC and IRC.

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With regard to review of the 2000 edition of the IBC and IRC, review committees with representation from the structural engineering, architectural, building supply, building construction, local building association and regional building official community were assembled to study and review both the IBC and the IRC. Starting with the year 2000 building code update cycle, the Uniform Building Code (which Wichita has used since the 1960's) is no longer being published.

The IBC Committee met 16 times between July 2000 and March 2001 to review and make recommendations on the IBC and proposed local modifications to it. Other guests were invited to these meetings to provide additional expertise and input, and public comment was received at several of the meetings. A special subcommittee of the Building Code Review Committee met on three additional occasions in April and May 2001 to review Chapter 17 (structural requirements/inspections) of the IBC, and to formulate recommendations specific to that Chapter. The IRC Committee met about ten times between July 2000 and November 2000, and formulated recommendations for adoption of the 2000 IRC, with some local modifications.

Presentations and discussion of the 2000 IRC and IBC, with recommended modifications as developed by the review committees, were made to the Board of Code Standards and Appeals (BCSA) at their February, March, April and May 2001 meetings. Public comment was received during the March, April and May meetings for BCSA consideration. In addition, on February 28, 2001, an advertised public hearing was held in the City Hall Board Room to provide a presentation/overview of the proposed building code amendment packages, and to hear public comment and answer questions.

The BCSA recommended adoption of the 2000 IRC, with local modifications, at its April, 2001 meeting, and recommended adoption of the 2000 IBC with local modifications at its May, 2001 meeting.

In October, November and December 2001, the proposed amendments to adopt the 2000 IBC and IRC were presented to the District Advisory Boards for their consideration and comment. Significant public comment was received at each DAB presentation from interested parties. Two DABs simply heard comments and received/filed the report. Three DABs voted to move forward with adoption of the 2000 IBC and IRC as presented. One DAB voted to delay adoption until the next national model code cycle in 2003. The results of the DAB presentations by district were as follows:

DAB I - Voted to move forward with adoption of the 2000 IBC and IRC as proposed.

DAB II - Received and filed.

DAB III - Voted to wait until the 2003 building code cycle to compare IBC/IRC to yet unpublished National Fire Prevention Association Code called the NFPA 5000.

DAB IV - Received and filed.

DAB V - Voted to move forward with adoption of the 2000 IBC and IRC as proposed.

DAB VI - After two meetings, voted to move forward with adoption of the 2000 IBC and IRC as proposed.

There are no costs to the City associated with adoption of the ordinance. Also, there are no building permit fee changes included in the ordinance. Generally, because of many new design and construction options included in the 2000 IBC and IRC, most projects may actually be less expensive to build under the provisions of the 2000 International Codes.

Kurt Schroeder Superintendent of Central Inspection, responding to questions, said the National Fire Code is not yet available. When published, the National Fire Code could amend the City's Code, or could be adopted during the City's next Code cycle.

Mayor Knight Mayor Knight inquired if anyone wished to be heard.

Tanya Cruz Tanya Cruz, People with Disabilities, requested a deferral until representatives of People with Disabilities can study the entire book.

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Kurt Schroeder Superintendent of Central Inspection explained that Mr. Farney, People with Disabilities, was provided the chapters having to do with access issues. Mr. Farney indicated the accessibility issues have been met.

Allen Inlow Allen Inlow, IAPMO, asked the Council to postpone a decision until August when the IAPMO Code is completed and a comparison can be made.

Joe Johnson Joe Johnson, Schaefer, Johnson, Cox, Frey, spoke in support of moving ahead with the recommended Code.

Wes Galyon Wes Galyon, Wichita Area Home Builders' Association, urged adoption of the recommended Code.

Greg Wilhite Greg Wilhite, PEC, recommended adoption of the proposed Code amendment.

Motion -- Knight moved that the amendments be approved and the Ordinance be placed on first reading. Motion
-- carried carried 7 to 0.

ORDINANCE

An Ordinance creating Chapters 18.05, 18.06 and Section 18.08.030; repealing Chapter 18.04, Section 18.24.040, Section 18.28.020, Section 18.28.030, and Section 18.28.040; amending Section 18.08.010, Section 18.08.020, and Section 18.12.170; and repealing the originals of said Amended Sections, all in the code of the City of Wichita, Kansas, and pertaining to the Building Codes of the City of Wichita, Kansas, introduced and under the rules laid over.

PLUMBING CODE. AMENDMENTS TO CITY CODE TITLE 21 ADOPTING THE 2000 UNIFORM PLUMBING CODE WITH PROPOSED LOCAL MODIFICATIONS.

Kurt Schroeder Superintendent of OCI reviewed the Item.

Agenda Report No. 02-0044

The City of Wichita's Plumbing and Gas Fitting Code (Title 21) currently incorporates the 1997 edition of the national model code developed by the International Association of Plumbing and Mechanical Officials (IAPMO), and called the Uniform Plumbing Code. This national model code is updated on three-year cycles, and the City of Wichita has generally reviewed, locally amended and adopted the updated national model plumbing code on the three-year update cycle to assure that Wichita is using the most current codes, as well as the most current tested and certified installation practices, materials and products.

However, in the current national code cycle, staff, committees and the Board of Appeals of Plumbers and Gas Fitters reviewed not only the 2000 edition of the Uniform Plumbing Code (UPC), but also reviewed the 2000 edition of the International Plumbing Code (IPC). This was necessary because Wichita was also reviewing and considering adoption of the new International Building /International Residential Code as the model for its locally adopted building code.

The national editions of the 2000 UPC and IPC were published and made available for local review in the spring and summer of 2000. Since then, the 2000 UPC and IPC have been reviewed by staff, committees representative of the local plumbing and gas fitting industry, local plumbing associations (primarily the Plumbing, Heating & Cooling Contractors Association, Local 171 Pipe Fitters Union) and the Board of Appeals of Plumbers and Gas Fitters.

After dozens of committee and Board meetings, and several public hearings, the Board of Appeals of Plumbers and Gas Fitters has recommended continued use of the Uniform Plumbing Code as the model for the local plumbing and gas fitting code. The Ordinance, recommended for adoption by the Board of Appeals of Plumbers and Gas Fitters, amends Title 21 of the Code of the City of Wichita to adopt the 2000 edition of the Uniform Plumbing Code, with certain local revisions.

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The most significant proposed changes from the current Plumbing and Gas Fitting Code are as follows:

- Section 21.04.010: Changes the 1997 edition of the Uniform Plumbing Code to the 2000 edition of the Uniform Plumbing Code.
- Section 21.04.090: Disallows extra strength vitrified clay pipe or fittings as drainage piping or fittings within a building or structure.
- Section 21.04.270: Disallows copper pipe for any type of fuel gas piping. Corrugated Stainless Steel Tubing (CSST) that meets ANSI LC-1 standards is approved for fuel gas piping.
- Section 21.04.204 (Deleted): By deletion of this section, floor drains that are properly designed, may now be used in a floor of wood design.
- There is a new section in the 2000 UPC that allows cross-linked polyethylene (PEX) tubing to be used for domestic potable water piping (no local amendment necessary).

There are no costs to the City associated with adoption of the amended ordinance. Plumbing and gas fitting construction permit, contractor license, and trade certificate and examination fees are not changed.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that amendments be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Sections 21.04.410 and 21.04.070 and repealing the original of said Amended Sections; creating Section 21.04.090; and repealing Section 21.04.140, Section 21.04.145, Section 21.04.204, Section 21.04.205, Section 21.04.220, and Section 21.04.225, all in the Code of the City of Wichita, and pertaining to the plumbing code of the City of Wichita, Kansas, introduced and under the rules laid over.

(The following Item was taken up later in the meeting; action shown in Agenda order.)

(Item No. 8)

GO NOTE/BOND SALE GENERAL OBLIGATION TEMPORARY NOTE SALE (SERIES 205); GENERAL OBLIGATION BOND SALE (SERIES 768 AND 769); AND GENERAL OBLIGATION SALES TAX BOND SALE (SERIES 2002).

Kelly Carpenter

Assistant Director of Finance reviewed the Item.

Agenda Report No. 02-0045

The City is offering for sale one series of General Obligation Temporary Notes totaling \$53,355,000 and two series of General Obligation Bonds totaling \$16,060,000 for the purpose of providing temporary and permanent financing for duly authorized capital improvement projects of the City, and one series of general obligation sales tax bonds totaling \$46,000,000.

The proceeds of the Series 205 Temporary Notes will be used to provide interim financing for various City-at-large, improvement district projects and Sewer Utility capital projects. The proceeds of the Series 768 Bonds will be used to permanently finance various neighborhood improvements located in special improvement districts. The proceeds from the sale of Series 769 Bonds will be used to permanently finance certain City-at-large projects. The proceeds from the sale of the Series 2002 Sales Tax Bonds will be used to permanently finance certain City-at-large freeway improvement projects.

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Sealed bids will be accepted via facsimile, walk-in sealed bids or electronically through I-Deal, LLC/PARITY Electronic Bid Submission System until 10:30 a.m. CST in the Finance Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at its earliest convenience following the tabulation of the bids. By law, the City must award the sale of the bonds and notes to the bidder whose proposed interest rates result in the lowest true interest rate.

The Series 205 Temporary Notes will mature August 22, 2002, and will be retired using cash, the proceeds of both permanent financing bonds, and renewal notes issued at that time. The Series 768 Bonds will mature serially over fifteen years and will be paid from special assessments that are levied against benefited property. The Series 769 Bonds will mature over ten years and will be paid from the citywide mill levy for debt service and the revenues accruing to various City enterprise funds. The Series 2002 Bonds will mature serially over fifteen years and will be paid from the portion of the City's one percent local option sales tax that is dedicated by law to paying the costs of street and road improvements. The Series 768 and Series 2002 Bonds will be callable in 2009 and the Series 769 Bonds will be callable in 2007 with a 1% call premium, in accordance with the City's debt management policy.

Bond Counsel will review and approve the bids and the Law Department will approve the authorizing Ordinances which have been prepared by Bond Counsel.

The winning bids:

General Obligation Bonds, Series 768	\$6,390,000
UBS Paine Webber Inc. – 4.377571%	
General Obligation Bonds, Series 769	\$9,670,000
Morgan Stanley, Dean Witter – 3.754024%	
General Obligation Sales Tax Bonds, Series 2002	\$46,000,000
Morgan Stanley, Dean Witter – 4.321680%	
General Obligation Renewal Temporary Notes, Series	\$53,355,000
Salomon Smith Barney, Inc. – 1.374459%	

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the sale of the Bonds and Temporary Notes be awarded as outlined above; the Declaration of Emergency be approved and the Bond and Note Ordinances be adopted on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE NO. 45-188

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 768, of the City of Wichita, Kansas, in the total principal amount of \$6,390,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the Bonds. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-189

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 769, of the City of Wichita, Kansas, in the total principal amount of \$9,670,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the Bonds.

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Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-190

An Ordinance authorizing and providing for the issuance of General Obligation Renewal and Improvement Temporary Notes, Series 205, of the City of Wichita, Kansas, in the total principal amount of \$53,355,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City, and for the interim financing of costs in connection with newly commenced capital improvements in the City; prescribing the terms and details of the Notes; providing for the payment of the principal of and the interest on the notes; and making certain other covenants and agreements with respect thereto. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-191

An Ordinance authorizing and providing for the issuance of General Obligation Sales Tax Bonds, Series 2002, of the City of Wichita, Kansas, in the total principal amount of \$46,000,000, for the purpose of providing the necessary funds to pay costs in connection with the construction of roads, highways and bridges in the city; prescribing the terms and details of the bonds; pledging a portion of the county retailer's sales tax revenues allocated to the City for the payment of the principal of and the interest on the bonds as they become due; providing for the levy and collection of an annual tax for the purpose of providing for the payment of any portion of the principal of and the interest on the bonds not paid from said sales tax revenues; and making certain other covenants and agreements with respect to the Bonds. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-192

AN Ordinance authorizing the construction of improvements to the municipal water and sewer utility owned and operated by the City of Wichita, Kansas, under the authority of Charter Ordinance No. 156; providing for the payment of the costs of said improvements; and authorizing and providing for the issuance of temporary improvement notes of the City from time to time as funds are needed for the orderly construction of the improvements. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS:

No appointments were made.

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CONSENT AGENDA

Knight moved that the Consent Agenda, except Item 18b, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JANUARY 14, 2002.

Bids were opened January 11, 2002, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2002 Condemned Sidewalk and Wheelchair Ramps - north of 55th Street South, east of 135th Street West. (472-83451/132100/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V& VI)

Williamson Construction - \$161,580.00 (Engineer's estimate)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Thermal Break Primary Windows. (097027)

Columbia Industries, Inc. - \$ 87.35 (Item 1/per each)
\$ 87.35 (Item 2/per each)
\$105.55 (Item 3/per each)
\$120.10 (Item 4/per each)
\$131.00 (Item 5/per each)
\$139.50 (Item 6/per each)
\$139.50 (Item 7/per each)
\$152.85 (Item 8/per each)
\$173.50 (Item 9/per each)
\$ 1.50 (Item 10/per united inches)
\$ 6.95 (Item 11/per each)
\$ 12.70 (Item 12/per each)
\$ 94.65 (Item 13/per each)
\$ 94.65 (Item 14/per each)
\$100.70 (Item 15/per each)
\$123.70 (Item 16/per each)
\$139.50 (Item 17/per each)
\$160.10 (Item 18/per each)
\$183.15 (Item 19/per each)
\$183.15 (Item 20/per each)
\$202.55 (Item 21/per each)
\$ 1.55 (Item 22/per united inches)
\$ 6.95 (Item 23/per each)
\$ 12.70 (Item 24/per each)
\$ 81.30 (Item 25/per each)
\$ 97.05 (Item 26/per each)
\$ 97.05 (Item 27/per each)
\$115.25 (Item 28/per each)
\$145.55 (Item 29/per each)
\$205.00 (Item 30/per each)
\$205.00 (Item 31/per each)

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\$211.00 (Item 32/per each)
\$229.25 (Item 33/per each)
\$ 1.55 (Item 34/per unit inches)
\$ 6.95 (Item 35/per each)
\$ 11.70 (Item 36/per each)
\$ 2.20 (Item 37/per square foot)
\$.55 (Item 38/per square foot)

LIBRARY DEPARTMENT: Frame Relay Data Communication Service. (037200)

Adelphia Business Solutions - \$103,757.76 (Total base bid)
\$ 1,788.96 (Option 1 total)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2002</u>	<u>(Consumption off Premises)</u>
Pat Edwards	Sav-A-Trip, Inc. #29	11931 West Central

Motion -- Knight moved that the License Application be approved subject to Staff review and approval. Motion
-- carried carried 7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Subdivision Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

a) 2002 Wheelchair Ramp and Sidewalk - Phase I - north of Kellogg, east of Seneca. (472-83437/706828 /202294) Traffic to be maintained during construction using flagpersons and barricades. (Districts I and VI) - \$200,000.00

b) 2001 Sanitary Sewer Reconstruction Phase 8 - north of Central between Seneca and Woodlawn. (468-83364/620328/661452) Traffic to be maintained during construction using flagpersons and barricades. (Districts I and VI) - \$225,000.00

c) Cedar Downs from the east line of Cedar Crest to the north line of Cedar Crest to serve Cedar Downs and Cedar Downs Third Additions - north of 21st Street North, west of 119th Street West. (472-83310 /765667/490778) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$251,940.00

d) Cedar Crest from the north line of 21st Street North to the west line of Cedar Downs to serve Cedar Downs, Cedar Downs Second, Cedar Downs Third, and Burchfiel Second Additions - north of 21st Street North, west of 119th Street West. (472-83309/765668/490779) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$331,200.00

e) Wheatridge to serve Cedar Downs Third Addition (north of 21st Street North, west of 119th Street West) (472-83311/765669/490780) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$232,000.00

Motion -- carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

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DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Temporary construction Easement, dated January 15, 2002, from Crestview Country Club for construction of sanitary sewer pump station and retaining wall.
- b) Easement, dated January 15, 2002, from Crestview Country Club for construction of sanitary sewer pump station and retaining wall.

Motion --
-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized
Motion carried 7 to 0.

CEDAR VIEW

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE PART OF CEDAR VIEW ADDITION – NORTH OF LINCOLN, EAST OF GREENWICH. (District II)

Agenda Report No. 02-0046

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer service to a new church building.

The Petition totals \$72,500. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Petition be approved, the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-021

Resolution of findings of advisability and Resolution authorizing construction of Lateral 300, Four Mile Creek Sewer, (north of Lincoln, east of Greenwich,) 468-83222, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 02-0082

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted.

1. Westar Energy (KGE) Commercial Filming
Wednesday, January 16, 2002; 5:00 a.m. to 2:00 p.m.
NO STREET CLOSURES – Reserved Street Parking Only
--First Street from Market to alley between Market/Main
--Market Street directly east of KGE Building
--Alley bordering KGE Building
2. Westar Energy (KGE) Commercial Filming
Thursday, January 17, 2002; 2:00 p.m. to 9:00 p.m.
--9th Street from Bitting to Jefferson

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Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion -- Knight moved that the street closure requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

ARTS CENTER

ARTS AND CRAFTS CENTER, NORTH BRANCH LIBRARY, AND HEADSTART. (District VI)

Agenda Report No. 02-0047

The building located at 2601 North Arkansas previously housed the Arts and Crafts Center. The building has been vacant since the Park Department relocated this function to the new City Arts building on Lewis Street. The building has been approved for the new location of a North Branch Library and for the HeadStart program. Randal Steiner Architect, P.A. was selected to provide architectural services for the renovations to this building when the building was leased to SER Corporation.

On June 5, 2001, the City Council approved a Contract Amendment with Randal Steiner Architect P.A. to expand his contract to prepare concepts, revised preliminary plans, construction estimates, and bidding documents for the Library and HeadStart usage. The architectural contract with Randal Steiner needs to be expanded to provide for the fees associated with the design of the HeadStart area plus fees.

Total fees for the project will be paid at an amount not to exceed 6% of the lowest acceptable bona fide bid(s) plus reimbursable expenses for a total estimated fee of \$75,640.

The funding source is a Community development Block Grant in the amount of \$800,000 plus \$240,000 funded by the HeadStart group.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

HARDSHIP RELEASE RELEASE OF HARDSHIP DEFERRAL LIENS.

Agenda Report No. 02-0048

During the past year, various property owners applied for Special Assessment Hardship Deferrals to defer payments of special assessments. Each property owner signed a Lien Agreement with the City of Wichita that was filed with Sedgwick County Register of Deeds.

Hardship Deferral Program guidelines state that if property ownership changes, the assessment will be paid or put back on the tax roll. The deferred assessments on two properties have been paid-in-full.

There is no cost to the City of Wichita.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

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TRANSIT

AMENDMENT - WICHITA TRANSIT FACILITIES MAINTENANCE.

Agenda Report No. 02-0049

The City presently has a contract with Kleenco to provide janitorial services for the Downtown Transit Center, 214 South Topeka. The current cost is \$925.00 per month with a \$15.00 per hour on special on-call services. The Transit Operations Center at 777 E. Waterman is requesting janitorial service to be added to the current contract. The cost would be \$665.00 per month for office and restroom cleaning five days a week, and special floor care of \$160.00 per month.

Bids were received last year for janitorial services at the Transit Center. It would be cost beneficial to approve the amendment to Kleenco for the contract as bids submitted last year on janitorial services were higher than the amended price. The fee proposed by Kleenco is less costly than bids received the prior year. The user department has also indicated they are well satisfied with existing contract performance.

Sufficient funds are budgeted for 2002 in the departmental budget using FTA grant funds.

The Law Department will review and approve the contract amendment as to form. The contract amendment will be for one year.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

HOME REPAIR

SEDGWICK COUNTY'S DEPARTMENT ON AGING – MINOR HOME REPAIR PROGRAM.

Agenda Report No. 02-0050

The City's Housing Department provides financial assistance to low and very low-income owner/occupants of residential structures located in the local investment area to eliminate blighting influences and deterioration of property.

The Housing Department also acts as the contractor for a County funded housing program. Sedgwick County's Department on Aging receives County Mill Levy funds to provide financial assistance to elderly homeowners to resolve emergency situations affecting the health and/or safety of the recipient's household.

The contract between the City and the County is a renewal program in which the County's funds provides assistance to low-income elderly homeowners within the City limits of Wichita. No changes are proposed from previous year delivery of service. The Housing Department will prepare the necessary specifications, solicit bids, monitor the repairs and approve the work. The Department on Aging will determine the eligibility of the applicant and make payment to the contractor once the work has been satisfactory completed.

The City's Housing Department receives frequent calls from low-income, elderly homeowners that live outside of the LIA. These low-income homeowners are experiencing housing problems such as, but not limited to, leaking roofs, inoperable furnaces, leaking water pipes, collapsed sewers, needing ramps installed, etc.

The proposed contract will continue a program between the Department on Aging and the Housing Department to provide financial assistance, using County funds to resolve emergency situations affecting the health and/or safety of low income elderly households outside of the LIA, but within the City. The County's fund will also be utilized as leverage to City of Wichita's CDBG and HOME Emergency Assistance Program, Home Repair Program, and the Deferred Loan Program projects located within the LIA.

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The County's funding will amount to approximately \$80,000 annually to the Department on Aging to operate a Minor Home Repair Program for low-income elderly homeowners in Sedgwick County. The project management fee (City will receive for specs, bids, and work monitoring) will be 5% of all dollars spent outside the LIA.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CINEMA DEV.

AMENDMENTS TO OLD TOWN CINEMA DEVELOPMENT AGREEMENT.

Agenda Report No. 02-0051

On December 19, 2000, the City Council approved a development agreement with Cinema Old Town, L.L.C. (the "Developer") for the development of a six-screen cineplex and related developments to be constructed in the Old Town area. The City Council approved a total City funding package of \$9.3 million for land acquisition and construction of a public parking structure, a public plaza area and streetscape improvements. On February 6, 2001, the City Council approved an amendment to the development agreement which allowed certain funds to be shifted from construction costs to land acquisition, without changing the \$9.3 million total City funding package. Since then, all land acquisition has been completed and Developer is ready to begin construction activities. In order to complete preparations for construction to start, the Developer has requested certain updates and amendments to the development agreement.

The development agreement provides for the City to purchase land in the area between Mead Ave. and the railroad tracks, and between 2nd and 3rd Streets in the Old Town Cinema Redevelopment District, and to construct a two-level, 390-stall parking structure with retail shell space, a public plaza area and streetscape improvements. The Developer, under the agreement, is to purchase land adjacent to the City land and construct a 35,000 sq.ft. multiplex cinema and two free-standing retail/commercial buildings, each with approximately 20,000 sq.ft. of leaseable space. In the time it has taken to complete the assemblage of real estate for the project, the Developers have further refined the concepts such that minor modifications of the scope of the agreement are needed.

The proposed amendments show that the City's parking structure will now be multi-level (more than two) and will contain approximately 500 parking spaces. The Cinema is shown to be a six-screen movie theater and the size of the two retail/commercial buildings has been adjusted to include one 21,000 sq.ft. building and one 42,000 sq.ft. two-story building to be leased as a retail/office building.

Additional proposed changes include the following:

Parking Structure Retail Space Lease: The proposed amendments change the lease terms from one five-year term with one five-year option to two five-year options. This is needed to secure private bank financing of the leasehold improvements.

Old Town Parking District Agreement: The City has asked for a change that places a floor of \$10 per stall per month on parking fees paid by the Developer for Cinema, for each of the retail/commercial buildings and for the parking structure retail space.

Deadline for Commencement of Construction: The proposed changes allow the Developer to delay commencement of construction one of the retail/commercial buildings until not later than January 1, 2003. Construction of the Parking Structure, the Cinema and the Retail/Office Building will begin not later than June 1, 2002.

Non-Assistance Covenant: To assist in securing bank financing for the movie theater, the Developer is requesting a covenant in the agreement that prevents the City from providing direct financial benefits or incentives to encourage the development of movie theaters within a four-mile radius of the Old Town Cinema project for a period of the shorter of 15 years or the sale of the Cinema. This covenant does not apply to possible assistance to the Orpheum Theater, Exploration Place or the development of an IMAX-type theater.

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The total City funding package of \$9.3 million is unchanged by the proposed amendments to the development agreement. The structure of the lease payments for the parking structure retail space has been modified such that the lease rate for the second five-year option will be based on then prevalent market rates as determined by an independent appraiser.

The proposed amended and restated development agreement has been approved as to form by the Law Department.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WESLEY INN

GROUND LEASE FOR WESLEY INN. (District II)

Agenda Report No. 02-0052

On December 11, 2001, the City Council adopted a Redevelopment Project Plan for the Central and Hillside redevelopment district, for the purpose of providing tax increment financing for certain costs associated with the redevelopment project. The adopted project plan calls for the City to use tax increment financing to acquire a parcel of real estate and to lease it, under a long-term ground lease, to Wesley Inn LLC to provide a site for the construction of an 85-room hotel. City staff is in the process of finalizing a development agreement with Starr Holdings, L.L.C. which will provide for the City's purchase of the above-mentioned parcel. Wesley Inn LLC has asked the City to approve a ground lease in advance, so that design work may begin on the hotel.

The new 85-room Wesley Motor Inn will replace the existing Wesley Motor Hotel, which is located at the northwest corner of Central and Rutan. The 1.8 acre parcel of land which is being leased to Wesley Inn LLC for the new hotel is located at the southwest corner of Central and Rutan. The term of the proposed ground lease is 50 years and the lease rate is \$1.00 per year. Under the terms of the ground lease, Wesley Inn LLC agrees to construct an 85-room hotel on the site, to maintain the premises and to pay all utilities, insurance and taxes. The City agrees to cause the existing structures on the property to be demolished and an access drive to be constructed, subject to the development agreement with Starr Holdings. The City also agrees to construct a signalized crosswalk across Central near the hotel and, together with Starr Holdings, to provide a cross-access easement on certain property leased by Starr Holdings.

The proposed development agreement with Starr Holdings, L.L.C. requires the City to purchase the 1.8 acre parcel for \$750,000 and to contribute \$150,000 toward the demolition of the existing building. The cost of acquiring the property and demolition will be financed with general obligation bonds paid by tax increment financing.

The City's legal authority to lease the property covered by the ground lease will not exist until and unless the City acquires said property. The proposed ground lease has been approved as to form by the Law Department.

Motion --
-- carried

Knight moved that the Ground Lease with Wesley Inn LLC be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ELECTRIC

EXTENSIONS OF FRANCHISE AGREEMENTS WITH KANSAS GAS AND ELECTRIC AND SEDGWICK COUNTY ELECTRIC COOPERATIVE ASSOCIATION, INC.

Agenda Report No. 02-0053

The City has granted two franchises to utilities providing electric service within the City of Wichita. On March 30, 1982, the City Commission approved an ordinance for Kansas Gas and Electric Company (KGE). On March 7, 2002, the City Council approved an ordinance for Sedgwick County Electric

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Cooperative Association, Inc. Both franchises expire March 1, 2002. City staff and the utilities have begun discussions for the terms of new franchises and additional time is needed to finish this process.

These agreements will extend the current electric franchises nine months, until December 1, 2002. All grants, rights, privileges, and obligations under the franchise will remain in full force and effect.

The separate Street Lighting Agreement with KGE, March 19, 1991, will also be extended until December 1, 2002.

Both companies will be obligated to continue to make franchise payments under the terms of the existing franchises.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ITS

INTELLIGENT TRANSPORTATION SYSTEM (ITS)

Agenda Report No. 02-0054

An ITS Early Deployment Study for the Wichita Area was completed in 1998 under the sponsorship of the City Public Works Department, and was presented at that time to the City Council and County Commission. The study included recommendations for technological improvements that would improve the safety and efficiency of the transportation system. As part of the Comprehensive Transportation Program, KDOT solicited applications from the various City of Wichita and Sedgwick County departments in 2000, and designated \$3,750,000 in state funds toward the planning, design and implementation of certain ITS projects:

Automatic Vehicle Location/ Mobile Data Terminals (AVL/MDT) System
Advanced Transportation Management System (ATMS).
Signal Upgrade and Preemption Plan.

The MOU covers the sharing of costs and responsibilities for the design of an Intelligent Transportation System (ITS) for the Wichita-Sedgwick County Area, and the installation of the projects that were calculated to have the highest benefit/cost ratio in the Early Deployment Study. The Automatic Vehicle Location/ Mobile Data Terminals (AVL/MDT) System provides the means for tracking public vehicles (police, fire, transit, street maintenance, etc) and improves vehicle scheduling and dispatch functions of these departments. The Advanced Transportation Management System (ATMS) integrates traffic surveillance along freeways and other principal routes with incident and emergency management. The first-phase of ATMS applications will include a Traffic Operations Center linked to traffic monitoring detectors and cameras along the highways, providing quick validation of incident/traffic conditions, and responding rapidly with the appropriate emergency service. Travellers will also be better served with Variable Message Signs and Highway Advisory Radio transmission along highways. The Signal Upgrade and Preemption Plan integrates the street signal system for efficient vehicular progression along arterials, and also provides for automatic signal preemption by Fire Department vehicles.

The first project coming out of this partnership between the City of Wichita, Sedgwick County and KDOT is an agreement to fund a planning and design study for the AVL/MDT System, and an agenda item to authorize the consultant contract for this study has been developed separately by the Wichita IT department, which will administer the contract.

The Kansas Department of Transportation's contribution will be \$3,750,000 (60%), providing \$750,000 each year from 2001 through 2005, and the City of Wichita and Sedgwick County each agree to provide \$1,250,000, for a total of \$2,500,000 (40%) over the next five years. The City of Wichita's share is included in the proposed Capital Improvement Program (CIP), as well as federal grant funds available to the Wichita Transit Division

The MOU has been reviewed and approved as to form by the Law Department.

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Motion -- Knight moved that the Memorandum of Understanding be approved and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

BEVERAGE SERVICE CONTRACT FOR BEVERAGE SERVICE – AUBURN HILLS GOLF COURSE.

Agenda Report No. 02-0055

At Auburn Hills Golf Course, the City-operated clubhouse offers beverages. Staff has negotiated a contract that designates Coca-Cola as the exclusive beverage provider at Auburn Hills. The contract term is five years.

The contract applies only to Auburn Hills Golf Course. The clubhouse operations of the four other City courses are contracted, with the contractor responsible for beverage choices.

Coca-Cola will remit to the City \$8,000 in year one and \$4,000 in successive years in exchange for exclusive beverage rights at Auburn Hills. A 40% commission will be remitted on vending machine sales. The company has also agreed to contribute coolers, vending machines and related equipment worth \$11,400.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES - WILLOW PLACE, SOUTH OF 45TH STREET NORTH, WEST OF WEBB ROAD. (District II)

Agenda Report No. 02-0056

The City Council approved the project on August 22, 2000.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Willow Place. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$15,300, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

(Item 18b)

VEH DATA

ARCHITECTURE FOR GPS AND AVL VEHICLE DATA TO INFORMATION CENTERS.

This Item was pulled from the Agenda.

CITY HALL RENOV. CHANGE ORDERS - CITY HALL RENOVATION PROJECT. (District VI)

Agenda Report No. 02-0058

The City Council approved a contract in 2000 with Gossen Livingston Architects to provide design alternatives and construction documents to remodel the 9th floor. This area will house the IT/IS Division of Finance.

Formal bids were received August 24, 2001 for the proposed 9th floor remodel. Martin K. Eby Construction Co., Inc. was the low bidder. On September 11, 2001, City Council approved the bid of Martin K. Eby construction Co., Inc.

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The remodel project currently under construction did not include replacing the existing ceiling in the elevator lobby and public corridor. It became apparent as construction progressed that the ceiling tiles were not re-usable and should be replaced. The proposed change order for \$25,699 provides for labor, material, bonds, insurance, demolition, electrical, HVAC, fire protection to replace the existing ceilings within the elevator lobby/corridor.

The change order for \$25,699 will be funded from the project budget contingency (Project no. 435323, OCA 792353).

The change order amount is well within 25% of the construction contract cost limit set by City Council policy. Change orders over \$10,000 require City Council approval.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WATER/SEWER #2

CHANGE ORDER NO. 2 FOR CAS CONSTRUCTION - WATER AND SEWER PLANT NO. 2 IMPROVEMENTS.

Agenda Report No. 02-0059.

Plant #2 improvements are being administered under a single Contract. The original Contract amount was for \$8,229,000. The addition of Change Order No. 1 brought the Contract amount to \$8,262,942.

The Plant #2 Improvement project is for rehabilitation of existing equipment and conversion to ultraviolet disinfection, with substantial completion scheduled by March 2002. Change Order No. 2 is for replacement of the existing lighting in the headwork's facility (\$20,792), replacement of existing sluice gates at the Grit Facilities (\$10,430.50), light installation at the Septage Receiving Station (\$4,000), and deductive contract modifications (\$100,762).

Change Order No. 2 will result in a decrease to the Contract, as amended with Change Order No. 1. The revised Contract amount will be \$8,197,403 which is \$31,597 less than the original Contract amount.

City Council approval is required for all Change Orders that exceed \$10,000.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DELANO

REQUESTS FOR PROPOSALS - DELANO ENVIRONMENTAL SITE ASSESSMENT.

Agenda Report No. 02-0060

The Delano Neighborhood Revitalization Plan area includes many parcels of property that have been proposed for future residential, commercial or recreational redevelopment. One important consideration in the development of property is its "environmental condition." Based on the historic industrial/commercial uses that have occurred in the Delano neighborhood, the perception or the presence of environmental contaminants could have a bearing on how properties in the Delano area are developed.

An environmental assessment of properties in the Delano area (eligible for future redevelopment) is needed based on historic usage. Staff is recommending that request for proposals be authorized for an environmental engineering firm to conduct environmental assessments of these properties. Based on current and historic uses, these assessments will provide city staff and prospective developers with useful information upon which to base plans for redevelopment of the area.

Funds for this purpose are available within the current EPA Brownfields assessment grant.

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Proposals will be reviewed by the Staff Screening and Selection Committee in accordance with City of Wichita Administrative Policies and Procedures.

Motion --
-- carried

Knight moved that Staff be authorized to solicit proposals and the necessary signatures be authorized.
Motion carried 7 to 0.

BOEING

BOEING RIGHT-OF-WAY AMENDMENT.

Agenda Report No. 02-0061

The Boeing Company entered into an agreement with the Kansas Department of Health and Environment to remediate ground water contamination in the area of 31st Street South and K-15 highway. To install the wells and piping for this effort Boeing desires to use City of Wichita public right-of-way. Right-of-way is needed for designing, constructing, installing, operating, inspecting and maintaining eight groundwater recovery wells, together with associated subsurface piping, electrical conduit and other equipment required to operate a Groundwater Recovery System at the so-called Clifton Avenue and 31st Street South Site in Wichita, Kansas.

To adequately compensate the City and accomplish this project, the Boeing Company has agreed to compensate the City of Wichita and hold the City harmless for installation, operation and use of the right-of-way for the ground water clean-up system. Boeing will be required to comply with Right-of-Way standards established by the City, participate in the Kansas One Call program and pay an annual fee for the continued use of the right-of-way. Boeing will also protect the regulatory authority of the City in a manner consistent with federal and state law. The agreement is for a term of 20 years, renewable so long as the remediation continues. The agreement covers approximately 1000 feet of right-of-way with 8 wells. With the exception of some electrical equipment connections the wells and piping will be located below grade.

Under the agreement the City of Wichita will receive revenues of \$2.50 per linear foot plus 5 cents per cubic foot for the system during the term.

Motion -- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized.

GOLF FEE

GOLF FEE ADJUSTMENTS.

Agenda Report No. 02-0062

The 2002 Adopted budget included Golf fee increases. The proposed fee increases are summarized below. Base green fees are proposed to increase \$1. In addition to the rates shown, proportional adjustments are proposed for several other types of green fees that are typically tied to the base 18 hole green fee rate. The rate increase will not affect Junior Golf or student play and would not apply to Auburn Hills.

Fee	Current	Proposed
Weekday Green Fee	15	16
Weekend Green Fee	16	17
Weekday Pass surcharge	2	3
Weekend Family Pass surcharge	3	4
Senior Pass Surcharge	7.50	8.50

The proposed fee structure would increase rates at Sim, LW Clapp, MacDonald and Consolver courses. The rates at Auburn Hills would remain unchanged in 2002. In addition to the proposed rate increases, staff is reviewing a new Golf MIS system, which would include modules that allow Internet and/or phone-in tee time reservations. This type of system will also dramatically augment financial controls in the Golf system, enhance reporting capabilities and improve the ability of golfers to fairly and efficiently reserve tee times. Associated with this system, staff is exploring a modest reservation fee, to

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offset system maintenance costs. A minor rate adjustment to fund such a system may be presented to Council at a later date.

To maintain adequate Golf fund balances and finance debt obligations, a fee increase is necessary. The most recent Golf fee increase was implemented on January 1, 1999. Previous Financial Plan and Adopted Budget documents have been based on a 2002 fee increase. Although prolonged periods of adverse weather can impact fund balances, with the proposed increase Golf Fund balances should be adequate for current operating purposes to 2004 at the earliest.

City Council approval is required to adjust Golf fees.

Motion -- carried Knight moved that the fee increases, effective January 31, 2002, be approved. Motion carried 7 to 0.

HERMAN HILL CEN. PATHWAYS TO NATURE CONSERVATION FUND PROGRAM.

Agenda Report No. 02-0063

To be completed in late 2002, the Herman Hill Environmental Education Center will provide the public with the opportunity to learn about water pollution, geology, hydrogeology, rivers and streams. The mission of the center is to interpret these topics through the use of hands-on exhibits, videos, and interactive teaching materials. As part of the environmental education center design an artificial meandering stream will be constructed emanating from the center of the educational facility and terminating at the Arkansas River. The stream will be approximately a quarter of a mile long and carry remediated groundwater to the Arkansas River.

To enhance the appearance and use of the stream for educational opportunities and general aesthetics, a grant application to the has been submitted to assist in covering some of the costs associated with providing bridges and boardwalks along the proposed stream. These proposed enhancements will allow visitors to observe fish and aquatic invertebrates along the stream; terminating at a wetland demonstration area (illustrating nature's way of cleaning water) at the river's edge where a tallgrass buffer strip demonstration will be located. Funding is being solicited in the form of a grant to Pathway to Nature Conservation Fund Program. The grant is to be awarded by June of 2002.

The total requested grant amount is \$20,000. Matching funds by the City are required and will be met by the approved budget for construction of the "meandering stream."

Motion -- Knight moved that the grant application be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

EPA

EPA ENVIRONMENTAL EDUCATION GRANTS PROGRAM.

Agenda Report No. 02-0064

The environmental education facility under construction in Herman Hill Park as part of the Gilbert and Mosley project will provide educational opportunities to the community regarding surface and groundwater quality, hydrogeology and the native aquatic environment. It is expected that the facility will be completed in the latter part of the 2002 calendar year. The mission of the education center is to interpret these topics through the use of hands-on exhibits, videos, and interactive teaching materials. In order to supplement and enhance funding for the educational aspects of this facility staff has made application for a grant through the United States Protection Agency.

Specifically this grant will be for the development of "Discovery Boxes." These boxes are self-contained education units that can be reserved by schools, scout groups, or other interested parties. The "Discovery Boxes" will contain teaching materials, artifacts, and activities that tell the story of the Gilbert-Mosley project, pollution and its health risks, groundwater, geology and aquatic wildlife.

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Based on the usage of "Discovery Boxes" at other community facilities, they are a viable way of reaching groups unable to visit the education facility itself. Many groups in the community are already familiar with how to use this resource due to the availability of "Discovery Boxes" at other museums. Our plan is to set up the boxes and checkout procedures similar to that of other local museums to maintain continuity within the education community. In order to meet the grant application deadline established by EPA this grant has been submitted. Notification of the grant awards will be during the first quarter of 2002.

The total requested grant amount is \$5,000. The 25% grant match requirement will be met by in-kind staff time contributions.

Motion --
-- carried

Knight moved that the grant application be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WATER RE-USE

WATER RECYCLING AND RE-USE REQUEST FOR PROPOSALS.

Agenda Report No. 02-0065

As the conservation of water becomes more critical, the need to examine the feasibility of recycling and reuse of water resources has become necessary and timely. Millions of gallons of usable water are discharged daily from public and private ground water clean-up projects, municipal wastewater treatment plants, and various commercial and industrial activities. The City of Wichita is interested in defining the current and future quantity and quality of these water resources within our community to determine the feasibility for re-use and recycling of this water.

The City of Wichita is seeking proposals from a professional consulting service to determine the feasibility of re-using water from these various sources. The City of Wichita would like to determine if water resources that are now discharged into the sanitary sewers, storm sewers and the water ways of our community have potential re-use capabilities for irrigation, cooling, industrial processes and applications such as fire fighting, water features, commercial car washing, industrial boilers, concrete manufacturing, and other beneficial uses. The Staff Screening and Selection Committee proposal selection will be returned to the Council for final consideration.

There are no financial considerations at this time.

The Law Department will review proposal and contract documents.

Motion --
-- carried

Knight moved that Staff be authorized to request water re-use and recycling proposals. Motion carried 7 to 0.

BUDGET

BUDGET ADJUSTMENT – AIRPORT.

Agenda Report No. 02-0066

The City has been working cooperatively within the community to lower air fares into and out of Wichita Mid-Continent Airport. Part of that effort includes marketing efforts to create a community coalition.

The centerpiece of the current community effort is the development of a \$15 million pool of commitments from community businesses, agencies and institutions for advance purchase of tickets in order to attract a new low fare carrier. The City is working with the Aviation Task Force and other groups in this effort. To assist in this campaign, the City has committed not-to-exceed \$126,000 in marketing funds. It is necessary to designate the source of the funding. It is proposed that the cost be paid from the 2002 Airport Fund.

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As the campaign unfolds, it will also be necessary to enter into various contracts for advertisements and other marketing initiatives. It is proposed that the governing body authorize the City Manager to approve and execute any such contracts.

The funds for the budget adjustment are available within the 2002 Airport Fund.

Budget adjustments exceeding \$10,000 require City Council approval.

Motion --
-- carried

Knight moved that the budget adjustment be approved and the City Manager be authorized to execute necessary contracts for services. Motion carried 7 to 0.

WHISPERING BROOK AMENDING RESOLUTION – DECEL AND LEFT-TURN LANES ON WOODLAWN, SOUTH OF 37TH STREET NORTH, TO SERVE WHISPERING BROOK COMMERCIAL SECOND ADDITION. (District I)

Agenda Report No. 02-0067

On February 27, 2001, and July 24, 2001, the City Council adopted Resolutions to construct decel lanes and left turn lanes to serve a new development located south of 37th Street North, west of Woodlawn. In order to coordinate the installation of the improvements, the work should be done under one construction contract.

An Amending Resolution has been prepared that combines the projects.

The combined budgets and the improvement district remains unchanged.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-022

Resolution of findings of advisability and Resolution authorizing improving of decel lane and left turn lane in Woodlawn from 37th Street North to Brookview and decel lane and left turn lane in 37th Street North from the northwest corner of Lot 4, Block 1, Whispering Brook Commercial Second Addition to Woodlawn (south of 37th Street, west of Woodlawn), 472-83329, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PARK

PARK PATHS AND SIDEWALKS.

Agenda Report No. 02-0068

The Park and Recreation Department is responsible for ensuring that the City's park paths and sidewalks comply with ADA requirements, meet the requirements of awarded matching grants, and provide for the safety of park users.

The 2002 Park Capital Improvement Program (CIP) includes \$40,000 for the construction and repair of paths and sidewalks in City parks (P-390011, p. 203). Funding will provide for necessary installations and safety improvements at a number of parks located across the city.

The 2002 Park CIP includes \$40,000 for the construction and repair of paths and sidewalks in City parks. The funding source is general obligation bonds.

Motion --
-- carried

Knight moved that initiation of the project and necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 02-023

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for public improvements in various City Parks. (391-011), presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PARK LIGHTING

PARK LIGHTING.

Agenda Report No. 02-0069

The Park and Recreation Department is responsible for ensuring that the City's parks, park facilities, and recreation centers are well-lit to provide for the safety of patrons.

The 2002 Park Capital Improvement Program (CIP) includes \$50,000 for the placement of outdoor lights in new and existing parks and replacement of damaged light fixtures at existing parks, park facilities, and recreation centers (P-392003, p. 197). Funding will provide for necessary installations and safety improvements at a number of parks and facilities located across the city.

The 2002 Park CIP includes \$50,000 for the construction and replacement of park lighting at City parks, park facilities, and recreation centers. The funding source is general obligation bonds.

Motion --
-- carried

Knight moved that initiation of the project and necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-024

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for public improvements in various City Parks. (391-011), presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ DECEMBER 18, 2001)

a) Acquisition by Eminent Domain of Portion of 506 South Edgemoor. (District II)

ORDINANCE NO. 45-193

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property and construction easements for the construction and widening of Kellogg Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

b) DR01-13 Amendments to Comprehensive Plan.

ORDINANCE NO. 45-194

An Ordinance approving certain amendments to the 1993 Wichita-Sedgwick County Comprehensive Plan, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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- c) ZON2001-00014 - Northeast corner of Pawnee and Webb Road. (District II)

ORDINANCE NO. 45-195

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-00014

- d) A01-22 - South of K-42 and West of Ridge Road. (District V)

ORDINANCE NO. 45-196

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A01-22

SALARY/BUDGET

SALARY ORDINANCE/BUDGET REVISIONS – ENVIRONMENTAL HEALTH - AIRPORT SECURITY.

Agenda Report No. 02-0070

Certain supplemental personnel and budget actions are required in light of recent events:

Environmental Health - Effective January 1, 2002, the City and County restructured health services within the community. The County assumed the lead role in administering preventive clinical health services. The City retained responsibility for environmental health services in Wichita and, through contract, for certain services within the County. To fully implement the new organizational framework for City environmental health services, it is necessary to:

- (1) Create the position of Director of Environmental Health in the salary ordinance at Range 005 and
- (2) Revise the 2002 City Budget to reflect the new department.

Airport - Immediately following the September 11, 2001 terrorists attacks the FAA mandated Airports increase security measures and add staff to patrol Airport properties. Initially, the National Guard provided some of the security services. It will be important for Mid-Continent to continue to provide additional security when National Guard support is removed from Mid-Continent. To respond to the FAA's mandate a classification study has been completed and the following actions are necessary:

- (1) Create the position of Airport Security Officer in the salary ordinance at Range 621 and
- (2) Revise the 2002 Airport Budget to reflect the addition of up to fifteen Airport Security Officers.

Public Works – Throughout the year positions are reviewed to determine if they are appropriately classified in our classification/compensation plan. The Street Maintenance Supervisor was reviewed and the following action is necessary:

- (1) Upgrade the Street Maintenance Supervisor position from Range 116 to Range 115

The appropriations to support the operations of the Department of Environmental Health are already included within the Adopted 2002 City Budget. The Airport Security Officer positions will be federally funded. The upgrade of the Street Maintenance Supervisor classification will be accomplished within Public Work's existing budget.

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Motion --
-- carried

Knight moved that the budget revisions be approved and the Ordinance be placed on first reading.
Motion carried 7 to 0.

ORDINANCE

An Ordinance establishing position classifications for employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges amending Ordinance No. 45-183, introduced and under the rules laid over.

PLANNING AGENDA

Marvin Krout

Director of Planning stated that the Planning Agenda could be considered as consensus, except Items 37 and 38, unless the Council desired to withhold other Items.

Motion --
-- carried

Knight moved that the Planning Agenda, except Items 37 and 38, be approved as consensus Items.
Motion carried 7 to 0.

VAC2001-00056

VAC2001-00056 – VACATE UTILITY EASEMENT, GENERALLY LOCATED NORTHEAST OF THE 13TH STREET NORTH/127TH STREET EAST INTERSECTION. (District II)

Agenda Report No. 02-0071.

The applicant is requesting consideration to vacate a platted 10-foot utility easement that lies between two single-family lots. There are no City utilities or private utilities in the easement and there are no future plans for the easement to be used by the City or the private companies.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC-2149

VAC-2149 – VACATE PORTION OF KESSLER STREET, GENERALLY LOCATED BETWEEN ESTHNER AND DORA STREETS. AND A PORTION OF DORA STREET GENERALLY LOCATED EAST OF THE DORA/KESSLER STREET INTERSECTION. (District IV)

Agenda Report No. 02-0072.

The applicant is requesting consideration to vacate that portion of Kessler Street between Dora (on the south) and Esthner (on the north) Streets. This is a short block, two lots long of approximately 420-feet in length and is not developed/paved. The section of Dora that the applicant is requesting consideration to vacate is not developed/paved and dead-ends into undeveloped property on the east side. This section of Dora is approximately 200-feet in length. The proposed vacation of the portions of Kessler and Dora Streets does not adversely affect traffic circulation, nor does it cut-off access to any other properties.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

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A certified copy of the Vacation Order will be recorded with the Register of Deeds. Dedication by separate instrument of easements will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

S/D 95-56

S/D 95-56 – PLAT OF BALTHROP FOURTH ADDITION, NORTH OF CENTRAL, WEST SIDE OF K-96 EXPRESSWAY. (District II)

Agenda Report No. 01-0073.

A zone change (SCZ-0687) from SF-20, Single-Family Residential to SF-6, Single-Family Residential has been approved by the Sedgwick County Commission for this site subject to platting. Subsequent to the zone change, the site has been annexed by the City.

Petitions, all 100%, have been submitted for sewer, water, drainage and paving improvements. A Certificate of Petitions has also been submitted. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. In accordance with City Fire Department's request, the Applicant has provided a restrictive covenant limiting development until emergency access has been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions and restrictive covenants will be recorded with the Register of Deeds.

Motion --

-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and Ordinance (SCZ-0687) be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

RESOLUTION NO. 02-025

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89654, (north of Central, west of K-96), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-026

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89655, (north of Central, west of K-96), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-027

Resolution of findings of advisability and Resolution authorizing construction of Lateral 327, Four Mile Creek Sewer (north of Central, west of K-96), 468-83390, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-028

Resolution of findings of advisability and Resolution authorizing construction of Lateral 328, Four Mile Creek Sewer (north of Central, west of K-96), 468-83391, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-029

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 566 (north of Central, west of K-96) 468-83392, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-030

Resolution of findings of advisability and Resolution authorizing improving of Tipperary from the west line of Lot 1, Block 3; and Bracken from the north line of Tipperary to the southerly line of Lot 21, Block 1; Bracken Court serving Lots 5 through 21, Block 1; and Tipperary Court serving Lots 3 through 10, Block 3. A five-foot sidewalk to be installed on the north side of Tipperary and the east side of Bracken, (north of Central, west of K-96) 472-83468, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-031

Resolution of findings of advisability and Resolution authorizing improving of White Tail/Tipperary from the southerly line of Lot 21, Block 1 to the east line of Lot 1, Block 3, White Tail from the south line of Tipperary to the south line of Lot 46, Block 1; Tipperary Circle from the east line of White Tail to and including the cul-de-sac; and White Tail Court serving lots 26 through 31, Block 1. A five-foot sidewalk to be installed on the north and west line of Tipperary/White Tail, (north of Central, west of K-96) 472-83469, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. SCZ-0687

SUB2001-32

SUB2001-32 – PLAT OF BRENTWOOD SOUTH ADDITION, NORTHEAST CORNER OF WEBB AND PAWNEE. (District II)

Agenda Report No. 02-0074.

This site was recently annexed by the City.

Petitions, all 100%, have been submitted for sewer, water, drainage and paving improvements. A Certificate of Petitions has also been submitted.

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To provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. The plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions and restrictive covenants will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO.02-032

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-89635, (East of Webb, North of Pawnee) in the City of Wichita, Kansas, pursuant to Findings of Advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO.02-033

Resolution of Findings of Advisability and Resolution authorizing construction of Water Distribution System Number 448-89636, (East of Webb, North of Pawnee) in the City of Wichita, Kansas, pursuant to findings of Advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-034

Resolution of Findings of Advisability and Resolution Authorizing construction of Water Distribution System Number 448-89637, (East of Webb, North of Pawnee) in the City of Wichita, Kansas pursuant to Findings of Advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-035

Resolution of Findings of Advisability and Resolution authorizing construction of Lateral 319, Four Mile Creek Sewer, (East of Webb, North of Pawnee) 468-83353, in the City of Wichita, Kansas pursuant to Findings of Advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-036

Resolution of Findings of Advisability and Resolution Authorizing construction of Lateral 320, Four Mile Creek Sewer (East of Webb, North of Pawnee), 468-83354, in the City of Wichita, Kansas, pursuant to Findings of Advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-037

Resolution of Findings of Advisability and Resolution authorizing construction of Storm Water Drain No. 181 (East of Webb, North of Pawnee) 468-83355, in the City of Wichita, Kansas, pursuant to Findings of Advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-038

Resolution of Findings of Advisability and Resolution authorizing improving of Clark/Stoneybrook, from the south line of Lots 37, Block 2, Brentwood Village Addition to the South line Lot 20, Block 2, Brentwood South Addition; Mt. Vernon, from the east line of Clark to the east line of Brentwood Village addition; Clark, from the east line of Stoneybrook to the west line Lot 2, Block 4, Brentwood South Addition; Cranbrook, from the north line of Clark to the north line of Brentwood South Addition/ Stoneybrook Court (Lots 4-11, Block 2) from the west line Stoneybrook to and including cul-de-sac; and Stoneybrook Circle, from the east line Stoneybrook to and including cul-de-sac. Sidewalks to be installed along one side of through, non cul-de-sac streets (east of Webb, north of Pawnee) 472-83444, in the City of Wichita, Kansas, pursuant to Findings of Advisability made by the governing body of the City of Wichita, Kansas.

RESOLUTION NO. 02-039

Resolution of Findings of Advisability and Resolution authorizing improving of Cranbrook, from the west line Lot 2, Block 4 to the north line of Pawnee including cul-de-sac serving lots 19-23, Block 3: Cranbrook Court (Lots 3-7, Block 4). From the east line Cranbrook to and including cul-de-sac; Bellaire from the east line Cranbrook to the east line Brentwood South Addition: Kinkaid/Stoneybrook, from the west line Brentwood South Addition to the south line of Lot 20, Block 2; Kinkaid Circle (Lots 43-48, Block 3) from the east line Kinkaid to and including cul-de-sac; Stoneybrook, from the south line Kinkaid to the north line Stafford; Stoneybrook Court (Lots 31-36, Block 3) from the east line Stoneybrook to and including cul-de-sac; Stafford, from the north line of Pawnee to the west line Cranbrook; Stafford Court (Lots 1-7, Block 7) from the north line Stafford to and including cul-de-sac; and Stafford Court (Lots 13-23, Block 6) from the east line Stafford to and including cul-de-sac. Sidewalks to be constructed along one side of all through, non cul-de-sac streets, (east of Webb, north of Pawnee) 472-83445, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas., presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2001-55

SUB2001-55 - PLAT OF MAPLE SHADE ADDITION, NORTH OF PAWNEE, EAST SIDE OF WEBB ROAD. (District II)

Agenda Report No. 02-0075.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

A zone change (ZON 2000-55) from SF-20, Single-Family Residential to NO, Neighborhood Office (Lot 1), and from SF-20, Single-Family Residential to MF-18, Multi-Family Residential (Lot 2) has been approved by the Sedgwick County Commission for this site subject to platting. Subsequent to the zone change, the site has been annexed by the City of Wichita. The plat is also subject to a Protective Overlay established by ZON 2000-55, addressing density.

Petitions, all 100%, have been submitted for sewer, water, drainage and paving improvements. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. A Protective Overlay Certificate was provided identifying the approved Protective Overlay.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, Protective Overlay Certificate and restrictive covenant will be recorded with the Register of Deeds.

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Motion --

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and Ordinance (ZON 2000-55) be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 02-040

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89638, (north of Pawnee, east of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-041

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89639, (north of Pawnee, east of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-042

Resolution of findings of advisability and Resolution authorizing construction of Lateral 321, Four Mile Creek Sewer, (north of Pawnee, east of Webb) 468-83356, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-043

Resolution of findings of advisability and Resolution authorizing construction of Lateral 322, Four Mile Creek Sewer, (north of Pawnee, east of Webb) 468-83357, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-044

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 560 (north of Pawnee, east of Webb) 468-83358, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-045

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 561 (north of Pawnee, east of Webb) 468-83359, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. (ZON 2000-55)

SUB2001-73

SUB2001-73 – PLAT OF EAGLES LANDING AT NORTH OLIVER SECOND ADDITION ON THE SOUTHWEST CORNER OF 45TH STREET NORTH AND OLIVER. (District I)

Agenda Report No. 02-0076

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site was annexed into the City in April 2001. The portion of the site adjoining 45th St. North is zoned LC, Limited Commercial and the remainder of the site is zoned SF-5, Single-Family Residential.

Petitions, all 100%, have been submitted for sanitary sewer, water, drainage and paving improvements. A Certificate of Petitions was also provided. To provide for shared access between Lots 1 and 2, Block E, and between Lots 3 and 4, Block E, a joint access easement was provided. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot. A temporary access opening was also provided for Lot 1, Block F.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, joint access easement, temporary access opening, and restrictive covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-046

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89603, (south of 45th Street North, west of Oliver) in the << City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-047

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89604, (south of 45th Street North, west of Oliver) City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-048

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89649, (south of 45th Street North, west of Oliver) City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-049

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89650, (south of 45th Street North, west of Oliver) City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-050

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89651, (south of 45th Street North, west of Oliver) City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-051

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89652, (south of 45th Street North, west of Oliver) City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-052

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89653, (south of 45th Street North, west of Oliver) City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-053

Resolution of findings of advisability and Resolution authorizing construction of Main 12, Sanitary Sewer #23, (south of 45th Street North, west of Oliver) 468-83241, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-054

Resolution of findings of advisability and Resolution authorizing CONSTRUCTION OF lateral 1, Main 12, Sanitary Sewer #23, (south of 45th Street North, west of Oliver) 468-83284, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-055

Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Main 12, Sanitary Sewer #23, (south of 45th Street North, west of Oliver) 468-83285 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-056

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 12, Sanitary Sewer #23, (south of 45th Street North, west of Oliver) 468-83286, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-057

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Main 12, Sanitary Sewer #23, (south of 45th Street North, west of Oliver), 468-83287, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-058

Resolution of findings of advisability and Resolution authorizing construction of Lateral 5, Main 12, Sanitary Sewer #23, (south of 45th Street North, west of Oliver), 468-83393, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-059

Resolution of findings of advisability and resolution authorizing improving of Eagles Landing, from the east line of the Plat, west and south to the southwesterly line of Lot 19, Block C, and on Willow Point from the east line of the Plat, west to the west line of Dellrose Cir. Eagles Landing Ct. (Lots 1 through 4, Block D) from the north line of Eagles Landing, north to and including the cul-de-sac, on Eagle Landings Ct. (Lots 7 through 15, Block C) from the south line of Eagles Landing, south to and including the cul-de-sac, and on Dellrose Circle, from the north line of Willow Point North to and including the cul-de-sac. Sidewalk along one side of Eagles Landing from the east line of the Plat west and south the southwesterly line of Lot 19, Block C, and on one side of Willow Point from the east line of the Plat, west to the west line of Dellrose Circle (south of 45th Street North, west of Oliver) 472-83404, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-060

Resolution of findings of advisability and resolution authorizing improving of Eagles Landing from the westerly line of Lot 19, Block C, south to the west line of Willow Point, on Willow Point from the west line of Eagles Landing, west to the west line of the Plat, and on Willow Point from the west line of Eagles Landing, east to the west line of Dellrose Cir. Eagles Landing Ct. (Lots 20 through 34, Block C) from the south line of Eagles Landing, south and east to and including the cul-de-sac, and on Willow Point Ct. (Lots 41 through 52, Block C) from the north line of Willow Point, north to and including the cul-de-sac. Sidewalk along one side of Eagles Landing from the south line of Lot 19, Block C, south to the west line of Willow Point from the west line of Eagles Landing West to the west line of the Plat, and on one side of Willow Point from the west line of Eagles Landing east to the west line of Dellrose Cir. (south of 45th Street North, west of Oliver) 472-83465, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-061

Resolution of findings of advisability and Resolution authorizing improving of Falcon from the south line of Willow Point, south, west, south and east to the east line of Lot 21, Block B. Falcon Court (Lots 32 through 40, Block A (from the south line of Falcon, south to and including the cul-de-sac). Sidewalk along one side of Falcon, (south of 45th Street North, west of Oliver) 472-83466, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-062

Resolution of findings of advisability and Resolution authorizing improving of Falcon from the east line of Lot 21, Block B, east to the west line of Dellrose, and on Dellrose from the east line of Falcon, north to the south line of Willow Point. Falcon Court (Lots 21 through 31, Block A) from the north line of Falcon, south to and including the cul-de-sac, and on Dellrose Circle from the south line of Dellrose south to and including the cul-de-sac. Sidewalk along one side of Falcon and on one side of Dellrose, (south of 45th Street North, west of Oliver) 472-83467, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2001-74

SUB2001-74 – PLAT OF KISER WEST ADDITION ON THE SOUTHWEST CORNER OF 13TH STREET NORTH AND GREENWICH ROAD. (District II)

Agenda Report No. 02-0077

Staff Recommendation: Approve the plat.
MAPC Recommendation Approve the plat. (10-0)

A zone change (ZON 2000-22) from SF-20, Single-Family Residential to LC, Limited Commercial has been approved for this site subject to platting. The plat is also subject to a Community Unit Plan established by ZON 2000-22.

Petitions, all 100%, have been submitted for sewer, drainage and paving improvements. A Certificate of Petitions has also been submitted. A CUP Certificate was provided identifying the approved CUP and its special conditions for development. A cross-lot circulation agreement was provided, in addition to a covenant permitting joint access openings between lots.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificates of Petitions, restrictive covenant, cross-lot circulation agreement and CUP Certificate will be recorded with the Register of Deeds.

Motion --

-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and Ordinance (ZON 2000-22) be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

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RESOLUTION NO. 02-063

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 564, (south of 13th Street, east of Greenwich) 468-83374 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-064

Resolution of findings of advisability and Resolution authorizing construction of Lateral 155, War Industries Sewer, (south of 13th Street, west of Greenwich) 468-83375, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-065

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 562 (south of 13th Street, west of Greenwich) 468-83380, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-066

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 563 (south of 13th Street, west of Greenwich) 468-83381, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-067

Resolution of findings of advisability and Resolution authorizing improving of accel-decel lane on the west side of Greenwich Road, from , from the south line of Lot 9, Block 1, to 13th Street, a continuous accel-decel lane on the south side of 13th Street from the west line of Lot 1 Block 1, to Greenwich Road, a left turn lane into the entrance from Greenwich Road on the Lot Line between Lots 7 and 8, Block 1 and a left turn lane into the entrance from Greenwich Road on the Lot Line between Lots 4 and 5, Block 1 (south of 13th Street, west of Greenwich) 472-83457, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. (ZON 2000-22)

SUB2001-103

SUB2001-103 – PLAT OF GRIFFITH ELEMENTARY SCHOOL ADDITION, SOUTH OF HARRY, WEST OF OLIVER. (District III)

Agenda Report No. 02-0078

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

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This plat is zoned SF-5, Single-Family Residential. This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion --
-- carried

Knight moved that the Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Item No. 37)
ZON2001-00066

ZON2001-00066 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL AND RIGHT-OF-WAY TO GENERAL COMMERCIAL, GENERALLY LOCATED NORTH OF MACARTHUR AND EAST OF I-135. (District III)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 02-0079.

MAPC Recommendation: Approve (8-2-1), subject to staff recommendation with a provision that the additional screening along I-135 may be located on State right-of-way

D.A.B. Recommendation: Approve (6-0), subject to platting only with no Protective Overlay for additional screening along I-135

Staff Recommendation: Approve, subject to platting within one year and subject to the provision of a Protective Overlay District

The subject property is located north of MacArthur and east of I-135 at 1002 E. MacArthur. The subject property contains a 1.33 acre unplatted tract that is zoned “SF-5” Single-Family Residential and a 1.04 acre unplatted tract that designated as right-of-way on the Official Zoning Map but is held in private ownership by the applicant.

The subject property is currently developed with a single-family residence as well as a vehicle storage yard and a self-service storage warehouse business. A review of aerial photographs indicates that the storage business was established on the property between 1977 and 1983 and steadily grew in scale and intensity until it reached its current status between 1992 and 1997.

Use of the subject property for a storage business is illegal under the property’s current zoning; however, no complaints have been received by the Office of Central Inspection regarding the illegal use of the property. The applicant has requested “GC” General Commercial zoning, which is the first zoning district that permits both the vehicle storage yard and self-service storage warehouse uses of the property.

In addition to receiving “GC” General Commercial zoning, the applicant will need to comply with the screening standards of the Unified Zoning Code and the Landscape Ordinance requirements, unless a Variance is granted by the Board of Zoning Appeals. The screening standards for outdoor storage areas require a decorative fence, evergreen vegetation, or landscaped earth berms where adjacent to a residential zoning district or public street right-of-way. For the subject property, screening would be required along the south and west property lines. Since I-135 is elevated at this location, a decorative fence or landscaped earth berms along the west property line will not screen the outside storage area from view from I-135; therefore, planning staff recommends a Protective Overlay to require screening along the west property line to be provided by evergreen vegetation. The Landscape Ordinance requires a landscaped street yard along arterial streets. For the subject property, a 20-foot deep yard landscaped with 11 shade trees (or the equivalent) would be required along MacArthur.

The character of the surrounding area is mixed with commercial uses to the east, a manufactured home park to the south, and major barriers to the north (Arkansas River) and west (I-135). The property east of the site is zoned “GC” General Commercial and is developed with a self-service storage warehouse and a body shop. The property south the site across MacArthur is zoned “LC” Limited Commercial and “MH” Manufactured Housing and is developed with a manufactured home park with remaining vacant land currently marketed for commercial development.

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District Advisory Board III reviewed this request on December 5, 2001. D.A.B. III recommended approved 6-0 subject to platting and the condition that all required front yard screening (along MacArthur) be provided. D.A.B. III did not recommend requiring additional screening along I-135. On December 6, 2001, the MAPC approved the application (8-2-1) subject to staff recommendations except that the required screening along I-135 may be placed in the I-135 right-of-way with the State's permission, instead of on the applicant's property. The applicant objected to additional screening being required along I-135 stating he would lose too much storage space if he was required to screen along I-135.

After the MAPC hearing, the applicant contacted staff indicating that he had additional information pertaining to costs, loss of income, and possible inability to access the abutting I-135 right-of-way for screening that was not considered by the MAPC. The applicant requested a rehearing of his application by the MAPC to consider this new information; therefore, planning staff recommends that the City Council return the application to the MAPC for reconsideration on January 24, 2002.

Marvin Krout Director of Planning said the applicant had requested to have this Item returned to the MAPC for reconsideration.

Motion -- Lambke moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the Item be returned to the MAPC for reconsideration. Motion carried 7 to 0.

-- carried

(Item No. 38)
ZON2001-00069

ZON2001-00069 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL, GENERALLY LOCATED NORTH OF I-235 AND EAST OF SENECA.
(District VI)

Marvin Krout Director of Planning reviewed the Item.

Agenda Report No. 01-0080

MAPC Recommendation: Approve (12-2), subject to platting within one year and subject to the provisions of a Protective Overlay District.

Staff Recommendation: Approve, subject to platting within one year and subject to conditions.

DAB Recommendation: Case will be heard by D.A.B. VI on January 7, 2002.

The applicant requests a zone change from "SF-5" Single Family Residential to "LI" Limited Industrial on a 13 acre unplatted tract located north of I-235 and east of Seneca. The subject property is the portion of the Ripley Power Plant site that is located north of the power plant and contains two 10,000-ton storage tanks. The Ripley Power Plant site was established around 1940 prior to the property being zoned for residential uses in 1958. Asphalt oil storage could qualify as a legal, non-conforming use of the property since it is no more intensive than use of the site for electrical power generation. Ritchie Corporation has contracted to purchase the subject property from KGE and desires proper zoning of the site rather than non-conforming use status. Asphalt oil storage is first permitted by right in "LI" Limited Industrial zoning.

The surrounding area is characterized primarily by the industrial uses. The Ripley Power Plant site is located south and west of the subject property and is zoned "SF-5" Single-Family Residential and used primarily as an electrical training center. South of the Ripley Power Plant site are residences on the site of a former sand pit and a truck driving school on properties zoned "SF-5" Single-Family Residential. North of the site across the Arkansas River are numerous properties zoned "SF-5" Single-Family Residential that are developed with single-family residences. East of the site across the Arkansas River is a KGE storage yard and agricultural land on properties zoned "SF-5" Single-Family Residential.

KGE has been leasing the storage tanks to Ritchie Corporation for the storage of asphalt oil since 1989. The applicant indicates that the site is used as a surplus storage site and that no processing of the material or manufacturing of asphalt occurs on site. The applicant indicates that the asphalt oil is

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trucked to an asphalt plant near 37th Street North and West, a process that entails as many as eight trips per day. The applicant indicates that when new asphalt oil is purchased and stored in the tanks that about 20 trips per day occur for two or three days. The applicant indicates that new asphalt oil is purchased infrequently (including one year where no oil was purchased) when the refinery over-produces it and/or when the price is low.

The only access to the site is via Seneca, which crosses I-235 and intersects with 37th Street North to the south. At 37th Street North, vehicles must either go west to Womer or east to Arkansas. Through truck traffic on the portion of 37th Street North between Arkansas and Womer has been prohibited by the City; however, trucks can use 37th Street North to access the subject property since it is served only by this portion of 37th Street North. Residents of the Sherwood Glen Neighborhood, which is located along 37th Street North between Seneca and Womer, have expressed concern regarding truck traffic along this portion of 37th Street North. Upon reviewing the situation, the City's Traffic Engineer has indicated that through truck traffic can be further prohibited between Seneca and Womer, which would require all trucks accessing the subject property to enter from Arkansas or Broadway to the east, rather than traveling through the Sherwood Glen Neighborhood. Although it cannot be a condition of approval of the zone change, planning staff recommends that the City prohibit through truck traffic between Seneca and Womer. This would require additional action by the City Council to modify the previous limits on truck traffic in the area.

On December 20, 2001, the MAPC voted (12-2) to approve the request subject to platting within one year and subject to the following provisions of a Protective Overlay District:

1. Permitted use of the subject property shall be limited to Gas and Fuel Storage and Sales.
2. The existing use on the subject property shall not be expanded.
3. An off-street parking/standing area shall be provided on the subject property.

At the hearing, several neighboring property owners spoke against the request citing concerns with increased traffic and environmental hazards. The Sherwood Glen Neighborhood Association submitted a letter that summarizes the neighbors' concerns. District Advisory Board #VI will consider this request on January 7, 2002, and had not made a recommendation at the time this report was prepared.

After the MAPC hearing, the Health Department contacted the Planning Department regarding this case and indicated that the "containment plan" for spills at the oil storage tanks do not meet current State regulations. Therefore, staff from the Health Department and Planning Department recommend that the City Council modify the recommendation of the MAPC to add the following provision to the Protective Overlay District:

4. An updated containment plan shall be implemented so that the subject property conforms with current State regulations.

Concerns with regard to condition of the tanks and the area's relationship to the river; and the re-use and what a change in zoning would mean; and the necessity of additional MAPC input were expressed.

Motion --

-- carried

Fearey moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the Item be returned to DAB VI and the MAPC for further clarification from OCI and the Health Department. Motion carried 7 to 0.

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ZON2001-00070

ZON2001-00070 – ZONE CHANGE FROM LIMITED COMMERCIAL TO GENERAL COMMERCIAL TO RELOCATE A SIGN BUSINESS FROM HARRY AND MARKET INTERSECTION TO APPLICATION AREA ON BROADWAY, GENERALLY LOCATED ON THE NORTHWEST CORNER OF BROADWAY AND HARRY. (District I)

Agenda Report No. 02-0081

MAPC Recommendation: Approve, subject to staff recommendation (12-0-2).

Staff Recommendation: Approve, subject to replatting the development within two parcels within one year; contingent dedication; right-of way and dedication of access control; and a cross-lot access agreement.

This request is associated with ZON2001-64, a zone change request approved by MAPC on November 26, 2001. The Wichita City Council approved ZON2001-64 on December 11th, 2001. The current zone change request is now necessary to accomplish the desired development, according to the site plan submitted for the ZON2001-64 case. Following the ZON2001-64 MAPC hearing, the agent for the applicant discovered that this small application area was not included in the previous zone change request. The application area is approximately 1,600 square feet located northwest of the Broadway and Harry intersection, it is currently zoned "LC," and is part of a property developed with a single-family residence. The applicant requests "GC" zoning to relocate a sign business to the application area, and to develop a Walgreens store at the corner. The applicant intends to replat the development site into two parcels. The proposed development would result in a parcel located at the corner of Broadway and Harry developed with a Walgreens, and a separate parcel to the immediate north on Broadway developed with the relocated sign business.

The application area abuts "LC" zoned property to the north and west. North of the application area is a pawnshop and associated parking, west of the application area are three single-family residences, a sign business (proposed to be relocated), and a computer business. Property across Broadway, east of the application area, is zoned "LC" and "GC," and is developed with general strip commercial uses. Property south of the application area, across Harry, is zoned "GC" and developed with commercial uses. Southwest of the application area, across Harry, is property zoned "LC" and developed with parking for an elementary school located further west on Harry.

The proposed zone change, from "LC" to "GC," and the proposed development would require conformance to all property development standards in the Unified Zoning Code.

The MAPC heard this request as a consent item on December 20th, 2001; the action of the MAPC was to approve the request by a vote of 12-0-2.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to replatting into two parcels within one year; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion

-- carried

carried 7 to 0.

RECESS

The City Council recessed at 10:10 a.m. and returned to regular session at 11:03 a.m.

(The Council returned to take up Item No. 8; action is shown in Agenda order.)

ADJOURNMENT

The City Council meeting adjourned at 11:08 a.m.

Pat Burnett CMC
City Clerk